

REMARKS

This Amendment is being filed in response to a Non-Final Office Action mailed June 4, 2007.

Claims 1-11 are pending in the application. Claims 1 and 2 are being amended. Claims 17-22 were previously withdrawn without prejudice. Claims 12-16 were previously canceled without prejudice. Claims 1-11 stand rejected. Claim 2 stands objected to due to an informality. Claims 1-7 and 9 stand rejected under 35 U.S.C. 102(b) as being anticipated by Benson (U.S. Patent 6,139,514). Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Benson. Claims 10 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Benson in view of Wilkman (U.S. Patent 6,305,531). No new matter is being introduced by way of the amendments.

With regard to the rejection of claim 1 under 35 U.S.C. 102(b) as being anticipated by Benson, Applicants are amending claim 1 to recite that the “single material ... [has] no adhesive material applied thereto.” Although no specific language is provided in the originally filed Application against the use of an adhesive on the eye wipe, Applicants respectfully submit that the eye wipe, as claimed and presented in the originally filed Application, inherently is intended to be temporarily used and discarded as opposed to being placed on a finger for an extended period of time (e.g., more than a few minutes).

In contrast, Benson discloses a finger bandage that is formed of a tubular member. A pad of absorbent material 22 is fastened within the tubular member at the tip of the finger bandage and an adhesive material 24 is contained on the inner surface of the open end of the finger bandage to secure the bandage to a finger inserted therein. (Abstract). The adhesive material 24 is presented as a continuous band or intermittent strips. (Col. 2, line 60 - Col. 3, line 12)

Applicants have amended claim 1 clarify that the eye wipe is for temporary use and, therefore, has “no adhesive material applied thereto.” Because Applicants’ amended claimed invention does not include an adhesive material applied to the single material that forms the eye wipe, the finger bandage of Benson does not anticipate Applicants’ claimed invention.

Accordingly, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. 102(b) be withdrawn.

Claims 2-7 and 9, which depend from claim 1, should be allowable for at least the same reasons as claim 1.

With regard to the rejection of claim 8 under 35 U.S.C. 103(a), because claim 8 depends from claim 1, the arguments above apply. Thus, because claim 1 is not rejected under 35 U.S.C. 103(a), claim 8 should be allowed for at least the same reasons as claim 1. Moreover, because Benson is directed to a finger bandage that is intended to have adhesive material applied to a tubular member that forms the finger bandage, Applicant's amended claimed invention of "having no adhesive material applied thereto" defeats the purpose of Benson because Benson must include an adhesive material to maintain the finger bandage on a person's finger for an extended period of time, as is commonly understood in the use of bandages. Therefore, a prima facie case of obviousness has not been shown. Accordingly, Applicants respectfully request that the rejection of claims 8 under 35 U.S.C. 103(a) be withdrawn.

With regard to the rejection of claims 10 and 11 under 35 U.S.C. 103(a) as being unpatentable over Benson in view of Wilkman, Applicants respectfully submit that neither Benson nor Wilkman, alone or in combination, teaches or suggests Applicants' invention as amended in claim 1 as described above. In addition, Benson, as described above, fails to teach Applicants' amended claimed invention and, therefore, the combination of Benson and Wilkman also fails as a prima facie case of obviousness. Accordingly, the rejection of dependent claims 10 and 11 should be withdrawn for at least the same reasons as claim 1 from which they depend.

With regard to the objection of claim 2, Applicants have amended the claim to remove the objected to language (i.e., "said material includes a first material and a second material coupled together to form an elongated cavity."). Applicants have amended the claim to recite that "the one opening includes a first edge portion and a second edge portion, the first and second edge portions being unaligned when the one opening is in an unopened state, thereby enabling a user to more easily insert a finger into the one cavity." Support for the amendment may be found at least in FIGS. 2A and 4B and paragraphs [0027] and [0028]. It is respectfully submitted that Benson does not teach or suggest such a configuration. Accordingly, because claim 1, from

which claim 2 depends, is allowable over Benson, Applicants respectfully submit that amended claim 2 is allowable for at least the same reasons.

Conclusion

In view of the above, it is believed that the application is in order for issuance. Should the Examiner have any further questions or comments, the Examiner is invited to call the Applicants' representative at the phone number provided below.

No additional fees are believed to be due. However, please apply any deficiencies or any other required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above.

Respectfully submitted,

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